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Date: October 2, 2008/Jessica Sexton/
Jessica Sexton**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Appellant(s): Eric J. Horvitz, *et al.*

Examiner: Peling Andy Shaw

Serial No: 10/021,621

Art Unit: 2144

Filing Date: December 12, 2001

Title: CONTROLS AND DISPLAYS FOR ACQUIRING PREFERENCES, INSPECTING
BEHAVIOR, AND GUIDING THE LEARNING AND DECISION POLICIES OF AN
ADAPTIVE COMMUNICATIONS PRIORITIZATION AND ROUTING SYSTEM

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO NOTICE OF NON-COMPLIANT APPEAL BRIEF
DATED SEPTEMBER 2, 2008

Dear Sir:

Appellants submit this revised section of the appeal brief in connection with an appeal of the above-identified patent application. Item K of Section VI concerning the Grounds of Rejection has been amended to correct the claim numbering.

VI. Grounds of Rejection to be Reviewed (37 C.F.R. §41.37(c)(1)(vi))

A. Whether claims 1-5, 9-10, 19 and 22 are unpatentable under 35 U.S.C. §102(e) over Smith, *et al.*, (US 6,463,462 B1).

B. Whether claims 23-26 and 34-39 are unpatentable under 35 U.S.C. 102(b) over Robert M. Losee, Jr. (Minimizing Information Overload: The Ranking of Electronic Messages).

C. Whether claim 40 is unpatentable under 35 U.S.C. 102(e) over Smith, *et al.*, (US 6,463,462 B1).

D. Whether claims 41-51 is unpatentable under 35 U.S.C. 102(b) over Juha Takkinen (CAFÉ: A Conceptual Model for Managing Information in Electronic Mail).

E. Whether claims 6, 13 and 21 are unpatentable under 35 U.S.C. 103(a) over Smith, *et al.* in view of Wright, *et al.* (US 6,078,568 A).

F. Whether claims 7-8 are unpatentable under 35 U.S.C. 103(a) over Smith, *et al.* in view of Cooper, *et al.* (US 6757362 A).

G. Whether claim 11 are unpatentable under 35 U.S.C. 103(a) over Smith, *et al.*, Badt *et al.*, Horvitz, *et al.* (The Lumiere Project), and further in view of Matthew Marx (CLUES: Dynamic Personalized Message Filtering).

H. Whether claim 12 and 20 are unpatentable under 35 U.S.C. 103(a) over Smith, *et al.* in view of Eggleston *et al.* (US 6101531 A).

I. Whether claim 14 are unpatentable under 35 U.S.C. 103(a) over Smith, *et al.* in view of Johnathan Isaac Helfman *et al.* (Ishmail: Immediate Identification of Important Information).

J. Whether claim 15-18 are unpatentable under 35 U.S.C. 103(a) over Smith, *et al.* in view of Abu-Hakima (US 6499021 B1).

K. Whether claim 27-33 are unpatentable under 35 U.S.C. 103(a) over Losee in view of Eggleston *et al.* (US 6499021 B1).

L. Whether claim 52-54 are unpatentable under 35 U.S.C. 103(a) over Takkinen in view of Abu-Hakima.

M. Whether claim 55-68, 70-71 and 74-77 are unpatentable under 35 U.S.C. 103(a) over Abu-Hakima in view of Wright, *et al.*

N. Whether claim 69 are unpatentable under 35 U.S.C. 103(a) over Abu-Hakima, Wright, *et al.*, and further in view of Horvitz, *et al.* (The Lumiere Project).

O. Whether claim 72-73 are unpatentable under 35 U.S.C. 103(a) over Abu-Hakima, Wright, *et al.*, and Eggleston, *et al.*

P. Whether claim 78-85 are unpatentable under 35 U.S.C. 103(a) over Abu-Hakima in view of Horvitz, *et al.* (The Lumiere Project).

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP225USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact appellants' undersigned representative at the telephone number below.

Respectfully submitted,

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